

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Patent Application No. 09/955,473

Applicant: Paul W. Forney, et al.

Filed: September 17, 2001

TC/AU: 2174

Examiner: Ryan F. Pitaro

Docket No.: 213307

Customer No.: 23460

APPELLANTS' REPLY UNDER 37 C.F.R. SECTION 41.41

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is filed in response to the Examiner's Answer mailed on June 26, 2007.
Appellants hereby respectfully request allowance of the pending claims for the reasons set forth
in Appellants' Appeal Brief filed on February 16, 2007, and for the further reasons stated herein.

Status of Claims

Claims 1-20 stand rejected, and the rejection of these claims is presently being appealed.

For convenience, a complete listing of these claims appears in the Claims Appendix.

Grounds of Rejection to be reviewed on Appeal

The grounds of rejection to be reviewed on appeal are the grounds stated in the Final Office Action mailed on April 17, 2006. In particular, Appellants appeal:

1. The rejection of claims 1-3, 5, 6, and 8-20 under 35 U.S.C. 103(a) as being obvious over Khan et al. U.S. App. Serial No. 09/905,678 (filed on July 13, 2001, hereinafter the Khan '678 application) in view of Wewalaarachchi et al. U.S. Pat. No. 6,571,140 (the Wewalaarachchi patent).

2. The rejection of claims 4 and 7 under 35 U.S.C. 103(a) as being obvious over the Khan '678 application in view of Wewalaarachchi et al. U.S. Pat. No. 6,571,140 (the Wewalaarachchi patent) and Polizzi et al. U.S. App. Serial No. 09/844,715 (the Polizzi application).

Argument in Reply to Examiner's Answer

Appellants have carefully reviewed the Answer. The first portion of the Answer, beginning at page 3 and ending at page 7, is virtually identical (a reference to paragraph [0005] lines 1-5 of the Khan C-I-P application has been removed on page 4) to the grounds recited in the Final Office Action from which the present appeal was taken. Appellants have addressed the Answer's grounds for rejection in the previously filed Appellants' Appeal Brief, and thus Appellants will not repeat these arguments.

Appellants seek reversal of the final rejection of presently pending claims 1-20 (provided in the Claims Appendix attached hereto) that are directed to a customer-configurable, extensible plant process observation portal server. The claimed *portal server* is extensible by a customer in a number of respects, including adding new: data sources/providers (servers) that are accessed via the portal server, data handlers that process new data types, and new display elements for viewing data provided by plant information sources. The disclosed and claimed customer-configurable plant process observation portal server addresses challenges uniquely presented to providing a portal server that facilitates access by browser clients to a variety of plant data sources that are not generally accessible to the public (via the Internet) and plant information that is not formatted for access via the Internet. The Answer, and the references cited therein, fails to provide any reasonable basis for one skilled in the art at the time of the invention to even explore the possibility of developing Appellants' customer-configurable plant process observation portal server. Thus, the present invention would not have even been obvious at the time of the invention.

The Appellants' argument below addresses the points raised in section 10 ("Response to Argument) of the Answer including: (1) that the portions of the Khan '678 application upon which the Final Office Action relies are supported by the disclosure in the Khan '575 patent; (2) that a motivation to combine the Khan and Wewalaarachchi exists; and (3) that Wewalaarachchi discloses data handlers for handling particular types of plant information.

(1) Absence of Support in the Khan '575 patent for
Disclosure Relied Upon in the '678 C-I-P

Appellants initially note that the Answer does not cite paragraph [0005] from the '678 C-I-P which was previously relied upon for the Final Office Action's rejection of claim 1 (see, page 3, line 6). Appellants acknowledge that paragraphs [0078-0079] of the '678 application are substantially the same as the written description at column 22, line 48 to column 23, line 12. Thus, Appellants agree that this portion of the '678 C-I-P application is supported by the disclosure in the Khan '575 patent. Thus, to the extent the Answer does not rely upon paragraph [0005] of the C-I-P application, Appellants withdraw their objection to the continued reliance on the '678 C-I-P.

(2) There Is Insufficient Teaching in the Prior Art References
To Render The Claims Obvious To One Skilled in the Art

The issue to be resolved is whether there was sufficient basis (motivation, teaching, suggestion, etc.) to guide someone skilled in the art to make the claimed invention based upon the teaching of the prior art. Appellants respectfully submit that the substantial differences between plant process information sources and public Internet portals are more than sufficient to render the presently claimed invention non-obvious over the prior art. More particularly, the claimed invention is not rendered obvious by the combined teachings of the Khan application and the Wewalaarachchi patent since there is no suggestion/motivation to apply Khan's disclosed user-configurable portal sites, which allow users to aggregate a set of *public links* into a personalized portal site, to a plant process environment to render Appellants' claimed customer-configurable plant portal server. Khan's user-configurable portal sites, which are based upon publicly accessible Web page links and standardized protocols for providing information (e.g., URLs, JAVA scripts, HTML, etc.), are inappropriate and inapplicable to a plant process information environment where plant information is provided in the form of non-standard protocols incorporated into closed (at least to a certain degree) process control networks.

The Answer, in section 10, admits that there is no mention whatsoever of using the customizable information portal disclosed in Khan for providing access to plant information sources. The Answer asserts that the portal system of Khan "would allow a user to access and manage information from any source." However, one would be hard pressed to find a plant

manager that would want open access to plant information (including control settings of plant equipment) in the manner disclosed in Khan. Applying Khan's disclosed user configurable open access (public links-based) information portal to a plant/process control environment and its sensitive information would have been a ridiculous proposition. Clearly, there is no teaching in either Wewalaarachchi or Khan of the desirability to provide open access to plant/process control information via an information portal of the type disclosed in the Khan C-I-P application. In fact, Wewalaarachchi's teachings enforce the long-held notion that plant information provided by a variety of sources should be maintained within closed systems to which remote access is substantially limited. Such teachings in Wewalaarachchi are incompatible with the present assertions of the Answer in justifying the combination of Khan and Wewalaarachchi to render the claimed invention. Therefore, Appellants respectfully traverse the Answer's alleged basis for modifying Khan in view of Wewalaarachchi to render Appellants' claimed invention.

Finally, the Answer acknowledges the substantial differences between plant information sources/networks and Khan's public networks. The Answer suggests that reasons stated by Appellants regarding why Khan is inapplicable to the claimed invention must be incorporated into the claims. Indeed the claims recite "plant information sources" and other elements that inherently embody such differences between Khan's public information portals and the claimed plant process observation portal server for collecting and disseminating the plant process information to users. Therefore, for the reasons previously stated in their Appeal Brief, Appellants submit that the presently pending claims are not obvious.

(3) Appellants' Claimed Extensible "Data Handler" Set
Is Not Disclosed in Khan and Wewalaarachchi

Appellants disclose and claim an extensible set of "data handlers" that are incorporated into the plant process observation portal. The data handlers (see, Data Handlers 130 in Fig. 2) process received data of differing *types* within the portal server prior to forwarding the data to client browsers. Neither the Khan nor the Wewalaarachchi references even remotely disclose/suggest such handlers. Appellants, in their Appeal Brief, specifically noted the difference between "data sources" and the claimed "data handlers" that process information of particular types (where a single type of information may be provided by multiple data sources). The disclosed data objects in Wewalaarachchi are associated with data "sources" – not data types


and therefore do not meet Appellants' definition for a "data handler." For at least this reason claims 5, 8, and 12-15 and 17-20 are patentable over the Khan in view of Wewalaarachchi.

Conclusion

In summary, the present invention is not rendered obvious from the combined teachings the Khan C-I-P application and the Wewalaarachchi patent. The Khan application's disclosure is not prior art for at least paragraph [0005] upon which the Answer no longer relies. Furthermore, the Khan user-configurable portal sites operate on Internet-accessible Web pages/sites and differ substantially from Appellants' claimed plant process environment. One skilled in the art would therefore not modify Khan's system in view of Wewalaarachchi to render Appellants' claimed invention. For these reasons, as well as others stated herein above and in the Appeal Brief, the presently pending claims are patentable over the prior art presently known to Appellants.

Appellants therefore request reversal of the presently pending rejection of claims 1-20.

Respectfully submitted,



Mark Joy, Reg. No. 35,562
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza
180 North Stetson Ave., Suite 4900
Chicago, Illinois 60601-6731
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

Date: August 27, 2007

Claims Appendix

1. (Previously presented) A customer-configurable plant process observation portal server for collecting plant process information, in accordance with a user designated set of information sources, and for disseminating the information to users via network connections, the portal server comprising:

an extensible information source registry for storing at least identification information corresponding to an extensible set of plant information sources accessed via the portal server;

a portal server data interface, accessible via remote networked stations, providing user access to plant information associated with the set of designated plant information sources; and

a portal configuration utility enabling a user to at least designate a new plant information source via a configuration interface, the new plant information source thereafter being added to the extensible set of plant information sources.

2. (Original) The portal server of claim 1 wherein the portal configuration utility further enables a user to designate a manner in which data from sources of information is visually depicted on a user interface rendered by the portal server for a particular portal site.

3. (Original) The portal server of claim 1 wherein the portal server comprises at least one association with an Internet portal site from which data received from plant information sources is accessed by users.

4. (Original) The portal server of claim 1 wherein the portal server comprises at least one association with an intranet portal site from which data received from plant information sources is accessed by users.

5. (Original) The portal server of claim 1 wherein the portal configuration utility further enables a user to designate a new data handler to be added to an extensible set of data handlers that process information of particular types provided by the extensible set of plant information sources.

6. (Original) The portal server of claim 1 wherein the portal configuration utility includes computer program instructions for rendering a configuration template prompting a user to provide information associated with the new plant information source.

7. (Original) The portal server of claim 6 wherein the configuration template comprises a Web page, and the portal configuration utility is accessible by a browser.

8. (Previously presented) A customer-configurable plant process observation portal server for collecting plant process information in accordance with information source designations and for disseminating the information to users via network connections, the portal server comprising:

an extensible set of data handlers for processing differing types of data from a set of plant information sources accessed via the portal server;

a portal server data interface, accessible via remote networked stations, providing user access to plant information associated with the set of plant information sources; and

a portal configuration utility enabling a user to designate a new data handler via a configuration interface, the new data handler thereafter being added to the extensible set of data handlers.

9. (Previously presented) A customer-configurable plant process observation portal server for collecting plant process information in accordance with user specified information source designations and for disseminating the information to users via network connections, the portal server comprising:

an extensible information source registry for storing at least identification information corresponding to an extensible set of plant information sources accessed via the portal server;

a user-configurable portal server data interface, accessible via remote networked stations, providing user access to plant information represented in the extensible set of plant information sources; and

a portal data interface configuration utility enabling a user to at least designate, via a configuration interface, a new user interface display element for presenting plant process information, the new user interface display element thereafter being added to the extensible set of plant information sources.

10. (Previously presented) A method for facilitating configuring a customer-configurable plant process observation portal server to collect plant process information in accordance with user-specified information sources, the method comprising the steps of:

creating an extensible information source registry for storing at least identification information corresponding to an extensible set of plant information sources accessed via the portal server;

generating a portal server data interface, accessible via remote networked stations, providing user access to plant information represented in the extensible set of plant information sources; and

providing a portal configuration utility enabling a user to at least designate a new plant information source via a configuration interface, the new plant information source thereafter being added to the extensible set of plant information sources.

11. (Previously presented) A method for configuring a plant process observation portal site, supported by a portal server, to extend a set of information sources associated with the portal site, the method comprising the steps of:

accessing, via a browser, a configuration page associated with the portal site;

first specifying, via a graphical user interface, a new source of plant information accessed via the portal server; and

second specifying, via the graphical user interface, how information associated with the new source of plant information is visually rendered on visual displays associated with the plant process observation portal site.

12. (Previously presented) The portal server of claim 1 further comprising:

a plurality of data handlers that process information of particular types provided by the extensible set of plant information sources.

13. (Previously presented) The portal server of claim 12 wherein the plurality of data handlers comprises a process history database handler.

14. (Previously presented) The portal server of claim 12 wherein the plurality of data handlers comprises an alarm handler.

15. (Previously presented) The portal server of claim 12 wherein the plurality of data handlers comprises a data exchange protocol-specific handler.

16. (Previously presented) The portal server of claim 1 wherein the extensible source registry facilitates storing plant information provided by multiple controllers, thereby facilitating accessing data generated by multiple controllers via a single physical node on a process control network.

17. (Previously presented) The portal server of claim 8 wherein the set of data handlers comprises a process history database handler.

18. (Previously presented) The portal server of claim 8 wherein the set of data handlers comprises an alarm handler.

19. (Previously presented) The portal server of claim 8 wherein the set of data handlers comprises a data exchange protocol-specific handler.

20. (Previously presented) The portal server of claim 8 wherein the set of data handlers comprises a data handler for processing data from a controller, thereby facilitating accessing data generated by multiple controllers via a single physical node on a process control network.